

REMARKS

The Examiner is requiring restriction to one of the following groups:

- Group I: Claims 1-20, 25-27 drawn to an electrochromic device, classified in class 359, subclass 296;
- Group II: Claims 29-33, drawn to a method of making the device, classified in class 438, subclass 202; and
- Group III: Claims 21-24, 28, drawn to many different devices, classified in varying different class and subclasses (if these are selected the applicant must select one of the claims).

Applicants provisionally elect Group I, Claims 1-20 and 25-27, drawn to and electrochromic device, with traverse on the grounds that no adequate reasons and/or examples have been provided to support a conclusion of patentable distinctiveness between the identified groups. Also, it has not been shown that a burden exists in searching the claims of the three groups.

Moreover, the MPEP at § 803 states as follows:

“If the search and examination of an entire application can be made without a serious burden, the Examiner must examine it on its merits, even though it includes claims to distinct or independent inventions.”

Applicants respectfully submit that a search of all of the claims would not impose a serious burden on the Office.

Finally, Applicants respectfully submit that, should claims of Group I be found allowable, the Office should expand its search to the claims in Groups II and III.

Accordingly, and for the reasons presented above, Applicants submit that the Office has failed to meet the burden necessary in order to sustain the Restriction Requirement. Withdrawal of the Restriction Requirement is respectfully requested.

Applicants respectfully submit that the above-identified application is now in condition for examination on the merits, and early notice of such action is earnestly solicited.

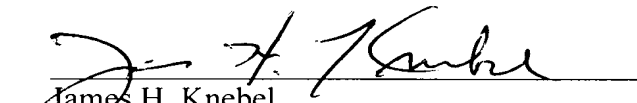
Respectfully submitted,

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